

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, <i>ex rel.</i>	:	
AMY BERGMAN	:	CIVIL ACTION
	:	
Relator,	:	NO. 09-4264
	:	
v.	:	
	:	
ABBOT LABORATORIES	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 30th day of January, 2014, upon consideration of Relator Amy Bergman's Second Amended Complaint (Dkt. No. 18), Defendant Abbott Labs' Motion to Dismiss the Second Amended Complaint (Dkt. No. No. 47-2), and the parties' subsequent responses it is hereby ORDERED as follows:

- With respect to Counts One and Two, the Relator VOLUNTARILY DISMISSES said counts for all claims submitted before September 18, 2003, and Defendant's Motion to Dismiss is DENIED for all claims submitted after September 18, 2003.
- With respect to Counts Three, Six, Seven, Nine, Ten, Eleven, Thirteen, Sixteen, Eighteen, and Twenty-Two, Relator VOLUNTARILY DISMISSES said counts for all claims submitted before September 18, 2003, and Defendant's Motion to Dismiss is DENIED for all claims submitted after September 18, 2003.
- With respect to Court Four, the Defendant's Motion to Dismiss is DENIED in its entirety.
- With respect to Count Five, Defendant's Motion to Dismiss is GRANTED for all claims submitted before July 16, 2009 and DENIED for all claims submitted after July 16, 2009.

- With respect to Count Eight, the Relator VOLUNTARILY DISMISSES said count for all claims submitted before May 24, 2007, and Defendant's Motion to Dismiss is DENIED for all claims submitted after May 24, 2007.
- With respect to Count Twelve, Defendant's Motion to Dismiss is GRANTED for all claims submitted before October 1, 2005 and DENIED for all claims submitted after October 1, 2005.
- With respect to Counts Fourteen and Twenty-Six, Defendant's Motion to Dismiss is granted for all claims submitted before September 18, 1999, and DENIED for all claims submitted after September 18, 1999.
- With respect to Count Fifteen, Defendant's Motion to Dismiss is GRANTED for all claims submitted before May 4, 2007 and DENIED for all claims submitted after May 4, 2007.
- With respect to Count Seventeen, the Relator VOLUNTARILY DISMISSES said count for all claims submitted before July 1, 2005, and Defendant's Motion to Dismiss is DENIED for all claims submitted after July 1, 2005.
- With respect to Counts Nineteen, Twenty, and Twenty-Three, the Relator VOLUNTARILY DISMISSES said counts in their entirety.
- With respect to Count Twenty-One, the Relator VOLUNTARILY DISMISSES said count for all claims submitted before July 1, 2007, and Defendant's Motion to Dismiss is DENIED for all claims submitted after July 1, 2007.
- With respect to Count Twenty-Four, the Relator VOLUNTARILY DISMISSES said count for all claims submitted before April 1, 2007, and Defendant's Motion to Dismiss is DENIED for all claims submitted after April 1, 2007.

- With respect to Count Twenty-Five, the Relator VOLUNTARILY DISMISSES said count for all claims submitted before November 1, 2007, and Defendant's Motion to Dismiss is DENIED for all claims submitted after November 1, 2007.
- With respect to Count Twenty-Seven, the Relator VOLUNTARILY DISMISSES said count for all claims submitted before July 1, 2007, and Defendant's Motion to Dismiss is DENIED for all claims submitted after July 1, 2007.
- With respect to Count Twenty-Eight, the Relator VOLUNTARILY DISMISSES said count for all claims submitted before March 13, 2008, and Defendant's Motion to Dismiss is DENIED for all claims submitted after March 13, 2008.

BY THE COURT:

/s/ C. Darnell Jones, II

C. DARNELL JONES, II, U.S.D.J.